

# House File 420 - Introduced

HOUSE FILE 420

BY R. TAYLOR and KOESTER

## A BILL FOR

1 An Act to require radon testing and mitigation in public  
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1.   NEW SECTION.   280.30   Radon testing and  
2 mitigation.

3     1. For purposes of this section, "*short-term test*" means  
4 a test approved by the department of public health in which a  
5 testing device remains in an area for not less than two days  
6 and not more than ninety days to determine the amount of radon  
7 in the air.

8     2. The board of directors of each public school district  
9 shall establish a schedule for a short-term testing for radon  
10 gas to be performed at each attendance center under its control  
11 at least once by June 30, 2028, and at least once every ten  
12 years thereafter, and following any new construction of an  
13 attendance center or additions, renovations, or repairs to an  
14 attendance center, unless otherwise provided by subsection 5.

15     3. If the results of a test at an attendance center are at  
16 or above four picocuries per liter, the board of directors of  
17 the public school district shall have a second short-term test  
18 for radon gas and radon progeny performed at the attendance  
19 center within ninety days of the first short-term test.

20     4. If the results of a second test at an attendance center  
21 pursuant to subsection 3 are at or above four picocuries per  
22 liter, the board of directors of the public school district  
23 shall retain a person credentialed to perform radon abatement  
24 measures pursuant to section 136B.1 to develop a radon  
25 mitigation plan within ninety days of the second short-term  
26 test. The board shall implement the radon mitigation plan  
27 within one year of the second short-term test.

28     5. *a.* The board of directors of each public school district  
29 shall have a short-term test for radon gas and radon progeny  
30 performed every other year at any attendance center that has  
31 implemented a radon mitigation plan pursuant to subsection 4 or  
32 an alternative radon mitigation plan pursuant to paragraph "*b*"  
33 of this subsection.

34     *b.* If the results of a biennial test at an attendance  
35 center are at or above four picocuries per liter, the board of

1 directors of the public school district shall retain a person  
2 credentialed to perform radon abatement measures pursuant to  
3 section 136B.1 to develop an alternative radon mitigation plan  
4 within ninety days of the biennial test. The board shall  
5 implement the alternative radon mitigation plan within one year  
6 of the biennial test.

7     *c.* The board of directors of each public school district  
8 shall continue biennial radon testing at an attendance center  
9 until the results of biennial radon testing at the attendance  
10 center have been less than four picocuries per liter for four  
11 consecutive years.

12     6. Radon testing pursuant to this section shall be conducted  
13 by a person certified to conduct such testing pursuant to  
14 section 136B.1 and shall be conducted as prescribed by the  
15 department of public health. Radon mitigation plans and  
16 alternative radon mitigation plans pursuant to this section  
17 shall be developed and implemented as prescribed by the  
18 department of public health.

19     7. The department of public health and the department of  
20 education shall each adopt rules to jointly administer this  
21 section.

22     Sec. 2. Section 298.3, subsection 1, Code 2017, is amended  
23 by adding the following new paragraph:

24     NEW PARAGRAPH. *n.* Radon testing and radon mitigation  
25 pursuant to section 280.30.

26     Sec. 3. STATE MANDATE FUNDING SPECIFIED. In accordance  
27 with section 25B.2, subsection 3, the state cost of requiring  
28 compliance with any state mandate included in this Act shall  
29 be paid by a school district from state school foundation aid  
30 received by the school district under section 257.16. This  
31 specification of the payment of the state cost shall be deemed  
32 to meet all of the state funding-related requirements of  
33 section 25B.2, subsection 3, and no additional state funding  
34 shall be necessary for the full implementation of this Act  
35 by and enforcement of this Act against all affected school

1 districts.

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EXPLANATION

3           The inclusion of this explanation does not constitute agreement with  
4           the explanation's substance by the members of the general assembly.

5       This bill requires the board of directors of each public  
6 school district to have a short-term test for radon gas  
7 performed at each attendance center under its control at  
8 least once by June 30, 2028, and at least once every 10 years  
9 thereafter, and following new construction of an attendance  
10 center or additions, renovations, or repairs to an attendance  
11 center. If the results of such a test are at or above four  
12 picocuries per liter, the bill requires the board to have a  
13 second short-term test performed at the attendance center  
14 within 90 days.

15       If the results of a second test are at or above four  
16 picocuries per liter, the bill requires the board of directors  
17 of the public school district to retain a person credentialed  
18 to perform radon abatement measures to develop a radon  
19 mitigation plan within 90 days. The radon mitigation plan must  
20 be implemented within one year.

21       If the results of a short-term test at an attendance center  
22 at which a radon mitigation plan has been implemented are at or  
23 above four picocuries per liter, the bill requires the board  
24 of directors of the public school district to retain a person  
25 credentialed to perform radon abatement measures to develop  
26 an alternative radon mitigation plan within 90 days. The  
27 alternative radon mitigation plan must be implemented within  
28 one year.

29       The bill requires biennial, short-term radon testing for any  
30 school site at which a radon mitigation plan or an alternative  
31 radon mitigation plan has been implemented, which continues  
32 until the results have been less than four picocuries per liter  
33 for four consecutive years.

34       The bill defines "short-term test" as a test approved by the  
35 department of public health in which a testing device remains

1 in an area for not less than two days and not more than 90 days  
2 to determine the amount of radon in the air. Radon testing  
3 pursuant to the bill must be conducted by a person certified  
4 to conduct such testing and must be conducted as prescribed by  
5 the department of public health. Radon mitigation plans and  
6 alternative radon mitigation plans pursuant to the bill must  
7 be developed and implemented as prescribed by the department  
8 of public health.

9 The bill requires the department of public health and  
10 the department of education to each adopt rules to jointly  
11 administer the provisions of the bill relating to radon testing  
12 in schools.

13 The bill adds radon testing and radon mitigation pursuant to  
14 the bill to the list of permissible uses of a physical plant  
15 and equipment levy by a school district.

16 The bill may include a state mandate as defined in Code  
17 section 25B.3. The bill requires that the state cost of  
18 any state mandate included in the bill be paid by a school  
19 district from state school foundation aid received by the  
20 school district under Code section 257.16. The specification  
21 is deemed to constitute state compliance with any state mandate  
22 funding-related requirements of Code section 25B.2. The  
23 inclusion of this specification is intended to reinstate the  
24 requirement of political subdivisions to comply with any state  
25 mandates included in the bill.